MONTEREY COUNTY

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Monterey County
Pesticide Enforcement

Multiyear Work Plan
2009 - 2011

Mission Statement

Promote and protect agriculture, the environment, and public welfare, and to assure consumer and business confidence in the marketplace.

December 2008

Pesticide Use Enforcement Personnel Resources

The pesticide use enforcement (PUE) program in Monterey County is currently supervised under one Chief Deputy Agricultural Commissioner and three Deputy Agricultural Commissioners. The main office of the Agricultural Commissioner is in Salinas, and there are three Branch offices, one in King City (South County), one in Pajaro (North County) and one in Marina (Monterey Peninsula). Staff in the pesticide enforcement unit in the main Salinas office is dedicated to working in pesticide enforcement, and only occasionally help in other departmental programs. Staff in the branch offices work in phytosanitary export certification, pesticide use enforcement, nursery and seed inspection, pest exclusion and other departmental programs outside the pesticide arena.

Current PUE Staffing Levels

Management

- Chief Deputy Agricultural Commissioner: promoted in June 2008, from Agricultural Program Manager. Has twenty-six years experience working in PUE, is responsible for supervising two Deputy Agricultural Commissioners, management of the Pesticide Use Enforcement Program and the Pajaro Branch office. *90% of her time (1,800 hours) is spent in PUE.*

Pajaro

- Deputy Agricultural Commissioner: has nineteen years of experience working for the department, eight of which were spent working in or supervising the PUE program at the Pajaro Branch office. *60% of her time (1,200 hours) is spent in PUE.*

- Agricultural Inspector Biologist I: hired in June 2008 filling a position that has been vacant since March 2007. The new inspector is Spanish/English bilingual and he possessed a current County Agricultural Inspector Biologist license in Pesticide Regulation when he was hired. *60% of his time (1,200 hours) is spent in PUE.*

- Agricultural Inspector/Biologist III: has five years of experience working in PUE and seventeen years working in plant quarantine. He has both County Agricultural Inspector Biologist PUE licenses. *60% of his time (1,200 hours) is spent in PUE.*

- Agricultural Inspector/Biologist II: has four years experience working in PUE. She has both County Agricultural Inspector Biologist PUE licenses. *60% of her time (1,200 hours) is spent in PUE.*

King City

- Acting Deputy Agricultural Commissioner: assigned to position in July of 2007; is a Spanish/English bilingual Agricultural Inspector/Biologist III, who has nine and a half years of experience working in PUE. He has both County Agricultural Inspector Biologist PUE licenses. *50% of his time (1,000 hours) is spent in PUE.*

- Agricultural Inspector Biologist I: hired in May 2008, filling a position that had been open since 2006. He acquired the County Agricultural Inspector Biologist license in Pesticide Regulation in October 2008. *50% (1,000 hours) of his time is spent in PUE.*

- Agricultural Inspector/Biologist III, who has five years of experience working in PUE. She has both County Agricultural Inspector Biologist PUE licenses. *50% (1,000 hours) of her time is spent in PUE.*

Salinas

During 2008 we had a significant employee turn-over in the Salinas PUE unit. In June, an Agricultural Inspector/Biologist I who had just completed six months training in PUE left the county. Due to increased workload from the LBAM Quarantine in May and September 2008, two fully licensed PUE inspectors were transferred from the PUE unit to the Quarantine unit. Also in September due to workload issues, a Spanish/English bilingual inspector who is fully licensed in PUE was transferred from the PUE unit into the Fruit and Vegetable Standardization unit.

- Pesticide Use Enforcement Program Deputy Agricultural Commissioner: also responsible for the department's organic certification program. Has eight years of experience working in PUE. *75% of his time (1,500 hours) is spent in PUE.*

- Agricultural Inspector Biologist I: hired in May 2008. He acquired the County Agricultural Inspector Biologist Pesticide Regulation and Investigation & Environmental Monitoring licenses in October 2008. *90% of his time (1,800 hours) is spent in PUE.*

- Agricultural Inspector Biologist I: hired in May 2008, Spanish/English bilingual. He acquired the County Agricultural Inspector Biologist Pesticide Regulation and Investigation & Environmental Monitoring licenses in October 2008. *90% of his time (1,800 hours) is spent in PUE.*

- Agricultural Inspector Biologist I: hired in June 2008, Spanish/English bilingual. She acquired the County Agricultural Inspector Biologist Pesticide Regulation license in October 2008. *90% of her time (1,800 hours) is spent in PUE.*

- Agricultural Inspector Biologist I: promoted from Agricultural Aid in August 2008. Has not acquired a County Agricultural Inspector Biologist PUE license yet. *90% of her time (1,800 hours) is spent in PUE under direct supervision of licensed inspector/biologists.*

- Agricultural Inspector/Biologist II: Spanish/English bilingual has one and a half years PUE experience. She has both County Agricultural Inspector Biologist PUE licenses. *90% of her time (1,800 hours) is spent in PUE.*

- Agricultural Inspector/Biologist II: has 15 months of PUE experience. She has both County Agricultural Inspector Biologist PUE licenses. *90% of her time (1,800 hours) is spent in PUE.*

- Agricultural Inspector/Biologist III: has three years PUE experience. He has both County Agricultural Inspector Biologist PUE licenses, and is the lead worker in the Salinas PUE unit. *90% of his time (1,800 hours) is spent in PUE.*

Marina

The Marina Branch office (previously Monterey Branch Office) has not been staffed since 2003. Biologists from the Salinas office cover pesticide use enforcement activities on the Monterey Peninsula out of the Salinas office. In 2009, we hope to station at least one inspector biologist out of that office. We estimate that the inspector biologist will spend at least 50% of his or her time working in PUE.

Support Staff

One licensed PUE inspector biologist is on office duty eight hours per day in all three of our offices assisting customers, scheduling appointments, answering phones, maintaining files, and preparing and sending letters and correspondence. *(≈ 6,240 hours)*

Additional support for licensed pesticide activities is provided by: One Information System Coordinator providing computer support, one Geographic Information System (GIS) Analyst providing GIS data and map production support to PUE staff dealing with ranch maps, investigations, sensitive sites and endangered species areas, and two Office Assistants providing occasional clerical support and answering phones in the Salinas office.

All inspector/biologists working in PUE are assigned a county four-wheel drive pickup truck and a cell phone. Each are also assigned a desktop computer and desk phone.

In 2009, we anticipate that our main office will undergo major construction and remodeling to add 3,000 square feet to the existing structure. As a result, we will all move to a new location. The construction is set to begin in July 2009. Since the entire office must be totally vacated, (including files, equipment, furniture etc…), the move will disrupt PUE and cause an unknown impact to our workload. Similarly, when the construction is completed in 2010, we will have to move back into our Abbott Street office which will again cause an unknown impact to our workload. All efforts will be made to ensure we meet our core program elements and strategic goals.

A. Restricted Materials Permitting

Permit -Process Evaluation and Improvement Planning

Current Business Process

During fiscal year 2007/2008, we issued 867 restricted material permits and 144 operator

identification numbers (OINs) in Monterey County. Of the 867 permits, 49 were issued for non-agricultural use, and 146 were multi-year permits. Of the 49 non-agricultural use permits, 30 were issued to licensed pest control businesses and licensed landscape maintenance gardeners. Most seasonal permits and OINs are issued for a period of one year, and expire on January 31. Multi-year permits and OINs are issued for some perennial agricultural plantings of wine grapes; non-production agricultural sites of parks and cemeteries; non-agricultural sites of hospitals, seed treatment facilities and commodity packing houses. We issue multi-year permits and OINs for up to three years. Multi-year permits also expire on January 31. Since February 2005, we have used DPR approved Restricted Materials Management System (RMMS) software to generate permits and OINs.

- Annual permit issuance and site evaluation training is given by the PUE Senior Biologist; PUE Deputy; Chief Deputy; and/or the DPR Enforcement Branch Liaison (EBL).

- All restricted material permits and private applicator certifications are issued by staff that have been thoroughly trained and hold valid County Inspector Biologist licenses in Pesticide Regulation. New staff members in training issue permits and certifications only under the direct supervision of a licensed biologist or deputy, whether or not they themselves are licensed.

- Issuing biologists interview each permit applicant to determine whether they are the operator of the property. We require persons acting as a representative for the operator of the property to submit a signed Authorized Representative Form with their permit application. We also require all permit applicants to be certified applicators. Certification numbers are recorded on the permit along with certification expiration dates.

- Individuals wanting to be certified as private applicators meet with a licensed PUE biologist. Walk-ins are accepted however, an appointment is necessary during permit renewals in December and January. All applicants complete the DPR Private Applicator Certificate Application form (PR ENF 045). Biologists review the application with the applicant, to determine if the individual is qualified to take the private applicator certification examination. If biologists determine that an applicant is a commercial applicator rather than a private applicator, they explain the DPR licensing program and provide copies of licensing applications. Staff administers the private applicator certification examination developed by DPR, according to their procedures. A copy of the certification application is filed with the restricted materials permit. For certification renewals, we attach applicant provided proof of continued education to the renewal application. If an individual fails the exam, we do not allow them to re-test for seven days.

- Each year we hold continued education classes for private applicators. In 2008, we held five classes in English and five classes in Spanish with 2.5 hours of DPR approved continued education credit. These classes give us an opportunity to ensure our growers receive the most current information about pesticide regulatory changes, common violations to avoid, and enforcement actions.

- Biologists use the eight step overview from page 7-7 of the Pesticide Use Enforcement Program Standards Compendium Volume 3 as a guide to ensure they address all functional equivalency evaluation requirements of the California Environmental Quality Act Environmental Impact Report during the permit issuance process.

- We require permit applicants to submit a map that identifies all adjacent and surrounding areas that could be adversely impacted by the use of the restricted material. Biologists use a Check List for Permit/OIN Renewal to assure applicant interviews are thorough, and site map reviews are comprehensive. Aerial photographs and/or actual field knowledge are used in conjunction with the checklist during the evaluation of each proposed application site before a permit is issued. The checklist is updated each year prior to permit season.

- Our GIS Analyst translates the applicant's paper permit and operator identification number property maps into GIS data which is used to update our Ranch Map. The Ranch Map is a dataset of all of the geographic entities in our county that are utilized in pesticide use reporting. The Ranch Map is published biannually from the data collected the previous year, and copies are available to the public at each of our offices for a minimal fee to cover production costs.

- Staff identifies hazards of unfamiliar restricted materials by reviewing the pesticide labels, and the California Restricted Materials & Hazard Assessment document our office developed in 2005. Based on the hazards of the materials and the location of sensitive areas around each application site biologists assess the likelihood of an adverse impact from the proposed application. When there is a sensitive area near the treatment site, they presume that an adverse environmental impact is possible. At that point, the issuing biologist determines whether the pesticide labeling or state regulations satisfactorily mitigate the identified hazards. If additional mitigation is warranted, the issuing biologist asks the permit applicant to identify mitigation measures that were considered with the applicant's pest control advisor prior to applying for the permit. If the permit applicant indicates that mitigation measures were not considered, he/she is asked to meet with his/her advisor to discuss possible mitigations prior to continuing the permit process. If mitigation measures were considered, the biologist documents the applicant's response and determines if there are any additional reasonable and effective measures that would further lessen the identified hazards. If feasible mitigation measures are identified, they are included as permit conditions.

- In 2007/2008, we used a feature in RMMS to automate the addition of individual permit conditions to a permit when specific pesticides are added to that permit. We also included a list of commonly used conditions in RMMS that biologists may apply to permits as appropriate. These include neighbor notification requirements, application timing constraints, specific buffer zone requirements, aerial restrictions, supervision requirements, restrictions on the method of application, and endangered species precautions. In addition, we use the DPR recommended pesticide specific permit conditions when appropriate.

- Permit denials and refusals are recorded on the form suggested by DPR, which explains applicants' due process rights. In one instance during 2008, due to the complexity of the reasoning for our denial, we issued a Notice of Proposed Action (Case File No. 1270727) to an applicant when denying a methyl bromide soil fumigation permit. A copy of every permit refusal and denial is kept on file in the Salinas office for two years.

- Staff frequently consults with the University of California Cooperative Extension and various commodity and industry organizations to augment their knowledge of local conditions and alternatives. The PUE deputy, chief deputy and on a rotational basis staff biologists attend the bi-monthly Coast Area Pesticide Enforcement Group meeting to share information and strategies on evaluating restricted material permits and developing reasonable and effective permit conditions.

- The DPR permit supplement form is used to issue permit amendments. Permit amendments are issued at any of our three offices in person on a walk-in basis, by fax and by mail.

- Biologists are responsible to check every permit they issue to ensure permits are correct and complete. After issuance and before filing the lead biologist and PUE deputy review all of the permits issued in Salinas and the Branch offices for correctness and completeness.

2008 Program

In 2008, a group of residents living across the street from agricultural fields requested the commissioner to review his decision to issue a field soil fumigation permit. The residents appealed the commissioner's decision to DPR. The director of DPR upheld the commissioner's decision, and counsel for the residents filed a civil complaint against the commissioner's office, DPR and the grower. The resident's counsel requested a temporary restraining order (TRO) and injunctive relief. The judge granted the TRO for two weeks until a hearing. At the hearing, the judge ruled that she would not uphold the TRO, and she required a third party to monitor all of the applications. The seven fumigations took place over a period from August 14 to October 8. The PUE deputy and chief deputy were present at each of the fumigations, along with representatives from DPR and the court ordered third party monitor. In addition, staff from our Salinas office performed post application inspections on each of the applications to monitor for problems. Counsel for the residents amended their complaint four times, and the commissioner (or assistant commissioner) and chief deputy appeared in court six times. As of September 2008, our office is no longer part of the lawsuit; however, DPR and the grower are still named in the complaint. This one incident was a tremendous drain on PUE staff time and resources. We estimate staff spent at least 1,000 hours on this one incident. Our office is still involved in on-going depositions and accruing costs associated with this litigation.

Near the end of 2008 due to system problems, we encountered application errors with the RMMS database. In the restoration process, we lost some of the then current data. The data loss was not discovered until it was too late to retrieve the lost information. As a result, significant staff time was spent re-entering and updating the lost information.

Planned Improvements
During 2009 permit issuance, we will complete the conversion of pesticides currently listed on permits by trade name to common or chemical names. We plan to revise our non-ag permit conditions; all of our fumigant conditions; and to continue correcting errors in our RMMS database.

Goals and Deliverables

- Prior to 2009 Permit Issuance:
  - Revise our Permit/OIN Renewal & Ranch Map Checklists.
  - Our lead PUE biologist will delete problem permits from the database at roll over, make corrections and re-enter corrected permits.
  - Conduct annual meeting of all PUE inspectors to review permit issuance procedures and processes.
  - Revise Permit/OIN folder organization instructions.
  - Revise our Summary of Regulations document to discuss with permit applicants during issuance.
- At Permit Issuance 2009:
  - Remove pesticide trade names from all permits and change to chemical or common names.
  - Utilize a tracking system in our shared files to monitor permit/OIN renewal assignments.
  - Utilize RMMS feature for non-ag permits to add conditions to specific non-ag sites that are within 500 feet of schools.
  - No permit will be issued until applicant provided maps meet minimum standard.
- By Spring 2009:
  - Update fumigant conditions to clarify responsibility of pest control business for certain regulatory requirements.

Measure of Success
During March and April 2009, we will conduct a random review of 5% of the permits that were issued to determine if the permits have been revised and standardized according to our goals.

Site Evaluation-Process Evaluation and Improvement Planning

Current Business Process
In fiscal year 2007/2008, we received 19,123 Notices of Intent (NOIs), and evaluated 1,168 sites prior to the applications. This amounts to about 6% site preapplication site monitoring.

- We require NOIs for all restricted material applications, agricultural and non-agricultural, unless the permit is a job permit.

- We receive NOIs by fax, mail or personal delivery. We do not accept NOIs by telephone. There is a drop box at each of the CAC offices. Biologists check the boxes and faxes Monday through Saturday. Biologists on weekend duty check NOIs for

weekend applications. As NOIs are received, they are reviewed by staff, sorted, counted and filed according to proposed application date.

- Licensed biologists review NOIs to determine if they are complete; consistent with the permit; whether any environmental conditions have changed since the permit was issued; and whether all buffer zone calculations are correct. They compare the NOI against the permit and worksite plans to ensure locations match and nothing has changed in surrounding sites. When simple or minor errors are found, biologists contact the operator of the property to correct the problem. If a complex or serious error is found, biologists deny the NOI, document the denial on the NOI form, and issue a written permit refusal on the suggested DPR form. The permittee is contacted and provided with the written permit refusal which explains their due process rights. If the permittee does not request a hearing within 20 days, the refusal is filed in our permit denial folder and a copy is filed in the permittee's folder.

- In determining which proposed applications require a pre-application site inspection staff consider the location of the proposed application in relation to sensitive sites (e.g., residences, schools, hospitals, field crews, other crops, endangered species habitat, rivers, streams and domestic animals); the toxicity and other characteristics of the pesticide including odor and formulation; the proposed application method and equipment; the permittee's compliance record and meteorological conditions. We strive to monitor 100% of NOIs received for fumigant applications of methyl bromide, 1,3-D, methyl isothiocyanate (MITC) generating fumigants, and chloropicrin. During 2008, we denied three methyl bromide and chloropicrin field soil fumigation permits based on a combination of historical weather data, terrain of the proposed application site and proximity of sensitive sites including schools and homes. We also evaluated other sites where we allowed fumigations to proceed with additional conditions on the permit. These types of site inspections often require the deputy and or chief deputy as well as the inspector/biologist to make multiple visits to the site and to have multiple meetings with the grower. In addition, these types of situations often require us to respond to multiple calls from concerned residents.

Goal and Deliverables

- Fall training for new and experienced staff on department identified "high" priority situations based on pesticide by crop, environmental conditions, and other criteria identified in the goal and objectives listed above. This includes the goals set for increased monitoring of specific pesticides.
- Continue to perform pre-application site inspections on approximately 6% of the sites identified in the NOIs we receive and ensure that a valid Restricted Materials Permit exists for each application and site identified in NOIs.

Measure of Success

Every other week we will compare the number of NOIs received with the number of site evaluations completed, to ensure that we conduct site evaluations on at least 6% of the NOIs we

receive. Throughout the ongoing evaluation of our site-monitoring plan, we will adjust inspector field activities as needed to achieve our goal.

B. Compliance Monitoring

Pesticide Use Monitoring and Record Inspections Evaluation and Improvement Planning

Current Business Process

- All staff has been trained in conducting pesticide use monitoring and record audit inspections. New staff is trained through mentoring/on-the-job-training where they are assigned to ride along with veteran biologists or their supervising deputy. In addition, at least once a year all staff working in PUE receives formal classroom training provided by DPR and the program and chief deputies. Staff also receives refreshers and updates through monthly pesticide enforcement staff meetings. Unlicensed biologists work exclusively under the direct supervision of licensed biologists and either the pesticide program deputy or branch-supervising deputy. In December 2008, all biologists and deputies working in PUE attended training on the newly revised DPR Inspection Procedures (Volume 4) of the Pesticide Use Enforcement Program Standards Compendium, provided by the DPR Pesticide Enforcement Branch. When in the field on surveillance Inspectors carry Volume 4 and Volume 2 of the Pesticide Use Enforcement Program Standards Compendium as well as a supply of inspection forms. DPR EBLs are welcomed and encouraged to conduct oversight inspections with all PUE biologists.

- All biologists have access to DPR's Enforcement Letters. When new letters are e-mailed to our office, we forward them to all deputies and staff who work in PUE. In addition, all biologists have Internet access and know where to find Enforcement Letters on DPR's web site.

- The supervising and program deputies do a quality control review of all inspection paper work completed by staff, to verify that the appropriate inspection procedures are followed and to give feedback for training purposes. Each biologist is responsible to track and conduct follow-ups on their own inspections. Supervising deputies also track inspections that require follow up, so they can assure follow up inspections are completed in a timely manner.

- Regarding inspection strategies, we instruct biologists to focus on areas with the greatest need according to safety and risk to workers, the public and the environment. We review inspection histories to determine where biologists have found the most noncompliances, and provide that information for them to consider when determining who to inspect. We direct biologists to look for private applicators before pest control businesses, and to take alternate routes and drive on ranch roads during pesticide surveillance. From the goals in our work plan, the pesticide, supervising and chief deputies develop work target numbers for the biologists. Throughout the year, the deputies monitor inspection types and numbers, and adjust biologist's target numbers. Our office uses the County Agricultural Records & Tracking System from Statewide Soft on a single database to track PUE workload.

- Biologists working in the branch offices are assigned daily pesticide surveillance work on a rotational basis, covering the entire geographical area of the branch. The geographical area of the Salinas office is broken into districts, and each biologist working in Salinas PUE is assigned surveillance responsibility for his or her own district.

- From April through October the Salinas office has staff assigned to start at dawn several days each week, as well as staff assigned to work surveillance on weekends.

- For routine inspections, noncompliances are documented by checking the criteria box, "No"; by checking the "Violation" box, "Yes"; and explaining the violation further in the "Remarks" section of the inspection form. (We generally do not issue a violation notice, warning letter or conduct a documented compliance interview in addition to the noncompliance documented on the inspection report.) During the inspection closing interview, biologists review the noncompliances with the responsible person (owner or manager). If the responsible person is not onsite during the inspection, the person being inspected signs the inspection form and receives a copy of the inspection. The biologists then contact the responsible party either in person or by phone. After explaining the non-compliance(s) to the responsible person, biologists provide them with a copy of the inspection form. All warnings are documented on the inspection form.

2007/2008 Program:

	Fumigations	Mix Load	Applications	Records	Structural	FWS	TOTAL
Total Goal	100	100	350	100	50	175	875
Total Completed	76	95	226	86	28	146	659
Difference	-24	-5	-124	-14	-22	-29	-241

As shown in the table above, we did not meet all of the targeted inspection numbers of our 2007/2008 work plan inspection goals. This was due to several factors, including: staffing issues described under Personnel Resources above; increased time spent on four priority investigations; increased time spent on decision reports; time spent on in-depth soil fumigation permits including the one permit appeal and subsequent inspections and investigation; and staff time spent monitoring LBAM aerial applications and working on the subsequent civil penalty fine. Although the numbers of inspections decreased, due to our targeting strategies the number of noncompliances found more than doubled from fiscal year 2006/2007. This also greatly increased the amount of time spent on follow up inspections in the field, decision reports and enforcement actions.

Planned Improvements:
We want to continue our focus on the areas of highest noncompliance, by directing two-thirds of our non-fumigation pesticide use monitoring inspections to property operators' employee handler applications. As a result, we are only slightly raising our inspection goal numbers over last year.

In 2008, we targeted golf courses during our pest control record inspections in addition to property operators with employee handlers. Since most of our golf courses are on the Monterey Peninsula, as we are able to staff our Marina office, we will focus more time on pesticide application inspections at the golf courses. Based on a 2008 investigation involving rodenticides in Monterey County, we suspect some growers are not appropriately reporting the use of rodent baits. As a result, in 2009, during records inspections, we will specifically look for the use and reporting of rodenticide bait. In addition, as staff increase in knowledge and experience, we plan on expanding our inspections of urban pesticide use by structural pest control applicators and maintenance gardeners. Every year we will send as many inspectors as allowed by DPR to their annual Structural Pest Control Training. We plan to keep increasing our inspections in these areas over the next few years, until we have sufficient trained staff to dedicate to urban pesticide use inspections.

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Goals & Deliverables

The following table shows our inspection goal numbers for 2009 by inspection type:

2009 - 2011 Yearly Work Plan Goals

	Fumigations	Mix Load	Applications	Records	Structural	FWS
Field	92					
Commodity	2					
Property Operator		62	224			
Pest Control Business		48	90			
Branch I					29	
Branch 2					16	
Branch 3					5	
Production Ag HQ EMP Safety				75		
Other HQ EMP Safety				6		
Dealer				3		
Adviser				6		
PCB Ag Records				5		
PCB Structural Records				4		
Ag PCB EMP HQ Safety				5		
SPCB EMP HQ Safety				4		
Field Worker Safety						175
Total Goal	**94**	**110**	**314**	**108**	***** **50**	**175**

***** increasing to 100 by 2011

Measure of Success

Each quarter we will compare the number of inspections completed to our goals. We will strive to meet the inspection goals listed above; however, unforeseen urgent pesticide enforcement related demands might affect our ability to meet our inspection goals. We will consult with our DPR Enforcement Branch Liaison through out the fiscal year and adjust inspection goal numbers as necessary.

Investigation Response and Reporting Evaluation and Improvement Planning

Current Business Process

In fiscal year 2007/2008, we completed thirty-two investigations. Five of the thirty-two were priorities; three antimicrobial; one structural; three environmental effects; and twenty agricultural related human effects. The investigations included complaints about odor, possible drift, LBAM aerial spray illnesses, methyl bromide field fumigation resident illnesses, aerial applications, field worker cluster illnesses, possible wildlife effects and homeowner disputes. One of the investigations was a high profile public exposure episode involving large numbers of people requiring many inspectors to canvass neighborhoods knocking on doors to interview people. From July through December in 2008, we completed an additional fifteen investigative reports and one priority investigative report. During that time, we received three additional priority investigations: one of which was a multi-jurisdictional investigation with the Department of Fish and Game, DPR, the U.S. Fish and Wildlife Service and California Department of Food and Agriculture; and two of which were fieldworker cluster episodes.

In August 2008, because of several fieldworker cluster episode investigations requiring Spanish bilingual staff to conduct large numbers of interviews simultaneously, we developed a Pesticide Episode Investigation Exposure Questionnaire to promote uniformity and help staff capture all information required by DPR's Worker Health and Safety Branch from each interview.

- All of the biologists working in PUE receive "in-house" training. They also attend DPR provided trainings when available. In April 2008, all PUE staff attended the Wildlife Incident Response Training co-sponsored by the Department of Fish and Game and DPR. In May 2008, all PUE biologists attended an Inspection Sampling training provided by our chief deputy. In June 2008, eleven biologists (including all new staff) working in PUE attended training on the DPR Investigation Procedures (Volume 5) of the Pesticide Use Enforcement Program Standards Compendium, provided by DPR Central Regional Office. Staff follows the investigation, sampling and report format identified in the compendium. When training needs are identified by the pesticide deputy, supervising deputy, or DPR, all parties consult to determine the best way to meet the training needs.

- For complaint investigations, the pesticide biologist on duty in the branch or main office normally takes the initial call. At that time, they fill out a county complaint log. If the complaint can be resolved in the course of the conversation or with just a few phone calls, the outcome is documented on the complaint log and no further action is taken. If the complaint involves a pesticide use or incident that is in progress at the time of the call the biologist will notify the program deputy who will dispatch another biologist to the site to begin the investigation immediately. If the complaint involves a pesticide use that occurred sometime in the past, the biologist will notify the deputy and the deputy will assign the investigation to the next available biologist. Investigations are assigned on a rotational basis, and are tracked on a spreadsheet log. If there is any question as to whether or not an investigation is warranted, the pesticide deputy consults with DPR. When an investigation is conducted, an investigative report is completed. All pesticide investigations are documented on PR-ENF-127, or PR-ENF -182 as appropriate.

- Upon completion, investigative reports are reviewed by the supervising deputies and chief deputy. All completed pesticide illness reports are sent to DPR after the final review.

Planned Improvements
Last year the PUE program and chief deputies spent a significant amount of time reviewing investigative reports. They found that staff would benefit from a report writing class focusing on principles of composition, grammar, usage and style. New staff would also benefit from evidence collection training. Last year we had a few investigations that were not completed within 120 days. In several cases, we requested a time extension for submission of the report after the due date had past, due to the fact that we were waiting for the compliance action to be completed. In the future, we will not delay submission of investigative reports because of pending enforcement or compliance actions.

Goals and Deliverables
We will present an investigative report writing class for PUE inspectors before May 1, 2009. We will present an investigative sampling class for staff before June 1, 2009. Every two weeks the biologist in charge of tracking investigations e-mails the pesticide program deputy and chief deputy. Starting in January 2009, the biologist will also e-mail a copy of the tracking log to the other chief deputy so he can also monitor and ensure investigations are completed on time in the branch office under his supervision. Completed reviewed investigations will be submitted to DPR immediately, and if compliance or enforcement actions are pending, a supplemental investigative report with the missing actions will be submitted when the action is completed.

Measure of Success
All non-priority illness investigations will be completed and submitted to DPR Worker Safety Branch within 120 days of receipt by the county.

C. Enforcement Response

Enforcement Response Evaluation and Improvement Planning

Current Business Process
In fiscal year 2007/2008, we wrote 53 decision reports and levied 21 agricultural civil penalty actions for a total of $19, 820 in fines. Only one respondent requested a hearing. In June 2008, our hearing officer provided a class for all PUE staff on Administrative Civil Penalty Hearings and Investigations.

All violations are documented either on a violation notice or on an inspection report. When staff finds a violation or non-compliance they check our electronic “Viowarn” Access database to see if there are previous non-compliances and violations. All original inspections and violations are filed in the individual or business’s office file in Salinas, so if the Viowarn database indicates a history of non-compliances, biologists review the office files to get more information about prior violations and actions. Biologists in branch offices contact the Salinas office to obtain information from the files. We maintain all inspections and violations for two years. We follow

Title 3 California Code of Regulations (3CCR) section 6128 to determine the appropriate enforcement response. After the enforcement/compliance history is reviewed, an incident disposition sticker is completed and attached to the back of the inspection report or violation notice. The incident disposition sticker indicates the class of the violation, whether it is a first or subsequent violation and the appropriate enforcement response. If, according to section 6128, an agricultural civil penalty or decision report is warranted, novice inspectors work with their supervising deputy to develop either a draft Notice of Proposed Action (NOPA) or a draft decision report. Veteran inspectors may draft the NOPA or decision report before talking to their supervisor. All original inspections and violations are collected with inspectors' daily time sheets, and reviewed by the supervising biologist in the Salinas office. All documents containing disposition stickers are logged in the Viowarn database, as soon as possible after the noncompliance is found, and then filed.

Every other Monday morning, or as needed, the supervising deputies meet with the chief deputy to review pending and draft NOPAs and decision reports. We developed a matrix that we use in determining fine amounts within a class. The fine range for each class is divided into six steps. When determining the fine amount within a class we initially place fines at the bottom of the fine range prescribed in 3CCR section 6130. Depending upon aggravating and mitigating circumstances the fine level is adjusted within the range. For first time pesticide use report violations, we assess $100 for each year that the reports were not submitted. We keep a log of all fines we levy in our Viowarn database, and can print reports sorted by code section violated. For each violation, the log indicates the class; the reason for placement in the class; the fine amount charged; and the factors used to determine the fine level within the range. This information is used to help maintain uniformity of our enforcement actions. After a NOPA is approved by the supervising deputies and chief deputy, it is sent to the assistant commissioner and commissioner for discussion and review. If approved, the NOPA is signed and sent certified mail to the respondent, along with a copy of DPR's "Preparing for Your Administrative Hearing" brochure. Supervising deputies alternate taking the role of county advocate when a respondent requests a hearing. In April 2006, we entered into a contract with the Monterey College of Law to provide a third or fourth year law student to act as Hearing Officer for our hearings. That process has worked smoothly and has been very successful. In addition to alleviating the workload associated with hearing officer responsibilities, the use of a law student reduces the likelihood that anyone will challenge the impartiality of the hearing officer.

Decision reports (DRs) are handled in a similar manner as NOPAs, however not all decision reports are reviewed by the assistant commissioner and commissioner. After a decision report is finalized, it is signed by the inspector and the supervising deputy and a copy is faxed to our DPR Enforcement Branch Liaison. The chief deputy holds the original, until she hears whether DPR concurs with the report. DPR faxes back the DR to the chief deputy with the date and initials of the person approving the report. The initialed copy is then filed with the inspection or violation as described above.

Planned Improvements

We continually revise, update and improve all of the templates we use to write NOPAs and Decision Reports. At our bi-monthly meeting with the coast area deputy agricultural

commissioners and DPR EBLs, we share ideas on how to make NOPAs and Decision Reports easier to read and understand. We then incorporate the best suggestions into our documents. We will continue to make changes to improve our documents. Historically the supervising deputies have been the county advocate during civil penalty hearings. In 2009, we will provide advocate training and development for our senior PUE biologists, and we expect that they will serve as future county advocates.

Goals & Deliverables
We will continue to update our NOPA and DR templates as needed. In March 2009, we will provide advocate training to the lead PUE biologist.

Measure of Success
- Our NOPAs will be complete, clear and easily understood by respondents.
- We will have a larger pool of advocates to pull from when we get a hearing request.

D. Other Desirable Activities

Educational Outreach

Current Business Process
We conduct various outreach activities throughout the county to distribute regulatory information to regulated individuals, organizations, industries, and businesses; to meet continuing education (CE) requirements for renewal of private applicator certificates and other pest control licenses; and to promote an open dialogue with anyone whose health or environment may be affected by pesticides or pest control activities. Outreach activities include lectures, discussions, workshops, and field days, with a focus on compliance and incident prevention. We utilize Spanish bi-lingual inspectors to present outreach activities in Spanish as needed. We feel that a strong pesticide enforcement program augmented by a public outreach and industry education component results in an increased knowledge, support and understanding of pesticide regulatory requirements.

2007/2008 Program
During the fiscal year, we provided 90 training sessions with 1,091 persons attending. These figures only capture numbers from presentations made by inspector/biologists and deputy commissioners. The commissioner, assistant commissioner and chief deputy also make presentations to industry and the public; however, those presentations are not currently tracked. Seven of the 90 tracked training sessions were CE trainings presented in English and four were CE trainings presented in Spanish, in November and December 2007 and February 2008. In February 2008, we hosted the 9th Annual Monterey Bay Region AgExpo/AgSeminar, a one day seminar for Spanish speaking growers, including topics such as the new respiratory protection regulations, surface water protection and the Ag Waiver program, field toilet sanitation, and pesticide use enforcement inspections. In January 2008, the Assistant Commissioner and Agricultural Program Manager provided laws and regulations update to members of District 4 of the California Agricultural Aircraft Association. In February, we presented a pesticide laws and regulations update to grower clients of Green Valley Farm Supply and Western Farm Service. In

May of 2007 and March 2008 Monterey CAC cooperated with Poder Popular, a community outreach group to provide information in Spanish to residents in Greenfield and Gonzales on non-occupational medical reimbursement, hazard materials response, health and safety, and pesticide use in the home. In June, we gave a fumigation update at the California Floricultural Production Fumigant Alternatives Field Day. In July 2008, we gave a pesticide enforcement presentation to incoming freshmen at the local Junior College. In October we gave a pesticide safety presentation to maintenance workers and custodians working for the Salinas City Elementary School District, and a pesticide laws and regulations update for a Pesticide Applicators Professional Association meeting. In November and December 2008, we participated with DPR's Worker Health and Safety Branch in four workshops sponsored by the California Rural Legal Assistance (CRLA) for farmworkers and their families in Salinas and Watsonville. In December 2008, we gave a presentation on fumigation safety at the 2nd Annual Fumigation Safety Symposium sponsored by the California Strawberry Commission. We have also provided pesticide laws and regulations updates for other grower groups like the Central Coast Vineyard Association.

Planned Improvements

We frequently revise and update the presentations we give at our outreach events. We will continue to update our presentations as new issues and regulations arise.

Goals and Deliverables

As time and resources permit, we are committed to continuing pesticide enforcement outreach to the public and regulated community. We will keep an agenda and list of attendees (when possible) for each outreach event each year.

Measure of Success

Review of participant comments.